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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,389	02/10/2004	Christopher J. Bakken	TALL121495	8886
26389	7590	05/18/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EVANS, ANDREA HENCE	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,389

Applicant(s)

BAKKEN ET AL.

Examiner

Andrea H. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 11-13, 16-18 and 22-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 15 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/10/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I: Claims 1-10, 14-15, and 19-21 (Continuous and single sheet mode operation where sheets are moved in opposite directions)

Group II: Claims 11-13, 16-18 and 22-24 (Continuous and single sheet mode operation including single sheet push printing where the controller directs the media drive assembly to alternately advance the media by pushing the media past the print head and pausing media during printing)

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

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the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Brian Krell on 5/13/05 a provisional election was made without traverse to prosecute the invention of Group I, claim 1-10, 14-15, and 19-21.

Affirmation of this election must be made by applicant in replying to this Office action.

Claim 11-13, 16-18 and 22-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Allowable Subject Matter

3. Claims 14-15 and 19-21 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Referring to claim 14, the prior art does not teach a controller coupled to the print head, media drive assembly, and platen to control the printer to print upon the media in a continuous pull printing manner, wherein the controller controls the media drive assembly to alternately advance the media by pulling the media past the print head and pause media movement during printing by the print head upon the media, and in a single sheet pull printing manner, wherein the controller controls the media drive assembly to push a sheet of the media past the print head and

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then alternately advance the media by pulling the media back past the print head and pause media movement during printing by the print head. Claim 15 depends on claim 14.

Referring to claim 19, the prior art does not teach determining if continuous sheet printing is desired and if continuous sheet printing is desired, directing the media drive assembly to alternately: i) pause printing and advance the media by pulling the media across the print head; and ii) pause media movement while printing; and b) determining if single sheet pull printing is desired, and if single sheet pull printing is desired, directing the media drive assembly to push a first sheet of the media past the print head, and to alternately advance the media back past the print head by pulling the media and pause media movement while the print head prints upon the media. Claims 20-21 depend on claim 19.

5. Claims 2-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claim 2, the prior art does not teach a printer wherein single sheet mode of operation includes a single sheet push mode of operation and a single sheet pull mode of operation, wherein during single sheet push mode of operation, the print head, media drive assembly and platen are controlled such that the media is pushed past the print head in an upstream direction during printing, and wherein during single sheet pull mode of operation, the print head, media drive assembly and platen are controlled such that the media is first pushed past the print head in an upstream direction and then during printing is pulled in a downstream direction. Claims 3-8 depend on claim 2.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakaino et al (6155728).

Referring to claim 1, Sakaino teaches a printer for printing upon a continuous web of print receivable media, the printer comprising: a print head (6) having a media drive assembly side (See Figure 2B, Column 6, lines 21-22); a media drive assembly (See Figure 2B) for moving continuous web print receivable media past the print head, the media drive assembly being disposed on the media drive assembly side of the print head (See Column 6, lines 51-54); a platen (7) disposed adjacent the print head; and a controller (See Column 3, lines 67 – Column 4, line 6) coupled to said print head, said media drive assembly, and said platen for controlling the modes of operation of said printer in accordance with user input, the modes of operation of said printer including a continuous print mode of operation and a single sheet mode of operation, wherein during continuous print mode of operation, said print head, said media drive assembly, and said platen are controlled such that said media is moved by said media drive assembly past said print head in a downstream direction (See Column 8, lines 41-44, See B, Figure 2A) and

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wherein during said single sheet mode of operation, said print head, said media drive assembly, and said platen are controlled such that said media is moved by said media drive assembly past said print head in an upstream direction one sheet at a time (See Column 9, lines 38-45, See A, Figure 2A).

Referring to claim 9, Sakaino teaches the printer wherein printing is performed by alternatingly: pausing printing and advancing said media by pulling said media past the print head a select distance; and pausing media movement while printing (See Column 6, lines 54-62).

Referring to claim 10, Sakaino teaches the printer wherein the printer includes an upstream media bin and a downstream media bin and wherein said media is drawn from the upstream media bin during said continuous print mode of operation (See Column 9, line 36), and wherein the media is drawn from the downstream media bin during said single sheet mode of operation (See 10 on right of Figure 2A; See Figure 2A, A, B).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea H. Evans, ESQ

AHE

A handwritten signature in black ink, appearing to read "Andrew H. Hirshfeld", is positioned above the printed name and title.

ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800